

Notice of Allowability

Application No.

10/723,447

Examiner

Hargobind S. Sawhney

Applicant(s)

SHEMITZ ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on March 24, 2004.
2. ☒ The allowed claim(s) is/are 19-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 5/6/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/7/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. The amendment filed on January 26, 2006 has been entered. Accordingly, claims 1-18 have been withdrawn from further consideration, and claims 19-35 have been further examined in this office action.
2. This application is in condition for allowance except for the presence of claims 1-18 directed to Group II non-elected without traverse. Accordingly, claims 1-18 have been cancelled.
3. On April 7, 2006, the examiner and the attorney, Mr. Daniel F. Drexler, discussed independent claim 35, which was added through the amendment filed on January 26, 2006. The examiner informed Mr. Drexler that the prior art Pietro (US Patent No.: 4,858,089) meets the limitations of the claim 35, and other independent claims 19, 25, 28 and 31 include allowable subject matters. Finally, the examiner suggested that claim 35 should be cancelled in order to place the application in an allowable condition. In response, Mr. Drexler authorized an examiner's amendment requiring cancellation of claim 35.

Copy of the telephone interview is attached herewith.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel F. Drexler on April 7, 2006

Cancel Claim 35.

Allowable Subject Matter

5. Claims 19-34 are allowed.

The prior art of record, including, Zhang (US Patent No.: 6,705,900 B2) and Pietro (US Patent No.: 4,858,089), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a luminaire heat sink assembly combining:

- an end- plate of the luminaire, which being in contact with an open-ended hollow structure formed with a first heat sink piece coupled to a second heat sink piece as recited in each of independent apparatus claims 19, 25;
- the hollow structure tighten against a lamp socket as recited in each of independent apparatus claims 19, 25;
- contacting exterior surface of a lamp-socket with first and second thermally-conductive pieces of the heat-sink apparatus as recited in each of the independent claims 28 and 31;
- contacting a thermally-conductive structure of the luminaire with the first and second thermally-conductive pieces of the heat-sink apparatus as recited in each of the independent claims 28 and 31.

The above-indicated combination, a two-piece thermally conductive hollow structure tighten against an exterior surface of a lamp socket, and further the hollow structure in contact with a thermally-conductive luminaire surface, makes this invention unique.

Neither combined nor individual teaching of Zhang (US Patent No.: 6,705,900 B2) and Pietro (US Patent No.: 4,858,089) meets the limitations of independent claims 19, 25, 28 and 31.

Therefore, independent claims 19, 25, 28 and 31 are allowed over prior art.

Claims 20-24 are necessarily allowed because of its dependency on the allowed base Claim 19.

Claims 26 and 27 are necessarily allowed because of its dependency on the allowed base Claim 25.

Claims 29-31 are necessarily allowed because of its dependency on the allowed base Claim 28.

Claims 33 and 34 are necessarily allowed because of its dependency on the allowed base Claim 32;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stimac et al. (US Patent No.; 6,787,999 B2)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
4/7/2006


ALI ALAVI
PRIMARY EXAMINER